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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,943	06/08/2001	Ken Alan Berkun	PU010083	9074

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EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,943

Applicant(s)

BERKUN ET AL.

Examiner

Greg Bengzon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO 1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

This application has been examined. Claims 1-17 are pending

Priority

This application claims benefit of priority from provisional application 60/252273 (November 21, 2000) .

The effective date of the subject matter described in the pending claims in this application is November 21,2000.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 (as amended) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2,3, 9,10,11, 14,15 recite a limitation regarding 'authoritative metadata'. The Applicant has not provided sufficient guidance on the meaning of 'authoritative metadata' from an 'authoritative source', and the characteristics of said 'authoritative metadata' and 'authoritative source'.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5-11, 13-17 rejected under 35 U.S.C. 102(b) as being anticipated by Srivastava et al. (US Patent 654922) hereinafter referred to as Srivastava.

With respect to Claim 1, Srivastava discloses a method for enhancing metadata associated with media on a communications network, said method comprising the steps of: parsing said metadata associated with said media into at least one field of metadata; (Column 1 Lines 40-65, Column 2 Lines 40-65) comparing each of said at least one field of metadata with at least one field of metadata from an authoritative source, each field of metadata compared with each field of authoritative metadata being a compared field; (Column 5 Lines 1-5) and modifying said metadata if said compared field does not match at least one field of authoritative metadata. (Column 6 Lines 15-20)

With respect to Claim 2, Srivastava discloses a method in accordance with claim 1, wherein said step of modifying said metadata comprise at least one of replacing said compared field with a corresponding field of said authoritative metadata, correcting said compared field in accordance with a corresponding field of said authoritative metadata,

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and adding at least one field of authoritative metadata to said metadata. (Column1
Lines 40-65, Column 2 Lines 40-65)

With respect to Claim 3, Srivastava discloses a method in accordance with claim
1, wherein said authoritative metadata is obtained from at least one of a multimedia file,
a streaming media file, a uniform resource indicator (URI), a database, a media file
header, a media file footer, a metatag, and a transport stream (Column 3 Lines 1-10
Column 4 Lines 30-60)

With respect to Claim 5, Srivastava discloses a method in accordance with claim
1, wherein said media comprises at least one of an extension selected from the group
consisting of ram, .rm, rpm, .mov, .qif.wma, .cmr, .avi, .swf, .swl .mpg, .mpa, .mp1,
.mp2, .mp3, m3a, and .m3u. (Column 1 Lines 20-50 Column 4 Lines 30-60)

With respect to Claim 6, Srivastava discloses a method in accordance with claim
1, wherein said metadata comprise elements related to at least one of content of the
media, intellectual property rights associated with the media, and instantiation of the
media. (Column 2 Lines 20-40)

With respect to Claim 7, Srivastava discloses a method in accordance with claim
1, wherein said media comprises at least one of multimedia and streaming media.
(Column 2 Lines 20-40 Column 4 Lines 30-60)

With respect to Claim 8, Srivastava discloses a method in accordance with claim
1, wherein said communications network is a computer network. (Figure 1)

With respect to Claim 9, the applicant discloses a system with the same limitations described in Claim 1. Claim 9 is therefore rejected on the same basis as Claim 1.

With respect to Claim 10, the applicant discloses a program readable medium with the same limitations described in Claim 1. Claim 10 is therefore rejected on the same basis as Claim 1.

With respect to Claim 11, the applicant discloses a data signal with the same limitations described in Claim 1. Claim 11 is therefore rejected on the same basis as Claim 1.

With respect to Claim 13, Srivastava discloses a data signal in accordance with claim 11, wherein said media comprises at least one of an extension selected from the group consisting of .ram, .rm, .rpm, .mov, .qif, .wma, .cmr, .avi, .swf, .swl, .mpg, .mpa, .mp1, .mp2, .mp3, m3a, and .m3u (Column 1 Lines 20-50 Column 4 Lines 30-60)

With respect to Claim 14, Srivastava discloses a data signal in accordance with claim 11, wherein said modify metadata code segment performs at least one of replacing said compared field with a corresponding field of said authoritative metadata, correcting said compared field in accordance with a corresponding field of said authoritative metadata, and adding at least one field of authoritative metadata to said metadata. (Column 1 Lines 40-65, Column 2 Lines 40-65 Column 5 Lines 1-5 Column 6 Lines 15-20)

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With respect to Claim 15, Srivastava discloses a data signal in accordance with claim 11, wherein said authoritative metadata is obtained from at least one of a multimedia file, a streaming media file, a uniform resource indicator (URI), a database, a media file header, a media file footer, a metatag, and a transport stream. (Column 3 Lines 1-10 Column 4 Lines 30-60)

With respect to Claim 16, Srivastava discloses a data signal in accordance with claim 11, wherein said metadata comprise elements related to at least one of content of the media, intellectual property rights associated with the media, and instantiation of the media. (Column 2 Lines 20-40)

With respect to Claim 17, Srivastava discloses a data signal in accordance with claim 11, wherein said media is at least one of streaming media and multimedia files formatted in at least one of a plurality of formats. (Column 1 Lines 40-60, Column 2 Lines 25-40 Column 4 Lines 30-60)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (US Patent 654922) hereinafter referred to as Srivastava, in view of Chu et al. (US Patent 6943720) hereinafter referred to as Chu.

With respect to Claim 4, Srivastava discloses a method in accordance with claim 1, further comprising the steps of: receiving said metadata and corresponding media files, wherein said corresponding media files are formatted in at least one of a plurality of formats; providing media files formatted in the same format and associated metadata to a corresponding format specific metadata extractor; (Figure 1, Column 2 Lines 40-65, Column 4 Lines 30-60, Column 5 Lines 1-5, Column 6 Lines 15-20)

With respect to Claim 12, Srivastava discloses a data signal in accordance with claim 11, further comprising: a receive code segment for receiving said metadata and corresponding media files, wherein said media files are formatted in at least one of a plurality of formats; a distribute code segment for providing media files formatted in the same format and associated metadata to a corresponding format specific metadata extractor;

However, with respect to Claim 4, Srivastava does not disclose determining if a media file is unavailable or corrupt; and if said media file is unavailable or corrupt, performing said step of comparing at a predetermined time in the future. With respect to Claim 12, Srivastava does not disclose a validity code segment for determining if a media file is unavailable or corrupt; and if said media file is unavailable or corrupt, a

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reschedule code segment for performing said step of comparing at a predetermined time in the future.

Chu discloses (re. Claim 4, 12) a method for a metadata synchronizer wherein, at specified intervals, an object is monitored to identify changes to metadata of that object. The method may be used to check if the URL describing the location of a media file is still working after a certain period of time. (Abstract, Column 7 Lines 35-65)

Srivastava and Chu are analogous art because they present concepts and practices regarding extraction, update and management of metadata associated with media files. It is respectfully suggested that at the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate a monitoring schedule for checking the validity of metadata related to a media file as taught by Chu into the method and system described by Srivastava. The suggested motivation would have been, as Chu suggests, to allow for situations wherein the system enables users to add or modify metadata for objects in a database. Additionally, some systems may store the metadata for the objects in multiple locations. If the metadata stored at one location changes, the metadata stored at other locations is no longer in synch. Monitoring the media files for validity results in timely updates to the metadata for the media files before the users can detect the inconsistencies in the system.

Response to Arguments

Applicant's arguments filed 02/15/2005 have been fully considered but they are not persuasive. The reasons for non-persuasiveness are set forth below.

The rejection based on USC 101 is withdrawn.

In order to traverse the rejection under USC 112 2nd Paragraph, the Applicant has amended the Claims to replace 'valid metadata' with 'authoritative metadata'. The Examiner notes that the amendments do not address the question of clarity as stated in the rejection. Thus the Examiner maintains the rejection based on USC 112 2nd Paragraph.

The Applicant presents the following argument(s) [*in italics*]:

Srivastava does not teach modifying the contents of metadata using metadata from an authoritative source.

The Examiner respectfully disagrees and refers the Applicant to Srivastava Column 2 Lines 40-45, which states that 'the present invention provides a framework which may be used to advantage to capture, transform, process, and store metadata.' Srivastava disclosed a transformer module that provides the resulting collected metadata to a formatter, whereupon said formatter converts the collected and

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generated metadata into a corresponding database schema. (Srivastava - Column 2 Lines 55-65) The metadata which is stored in the database may then be accessed by application programs in standard ways to perform data management, search, retrieval and playback functions. (Srivastava - Column 2 Lines 5) Furthermore, the client computer 130 may also be used to identify or accept auxiliary metadata which describes the media file being processed, the auxiliary data being accepted as a user keyboard entry or by identifying the URL of Internet data which contains externally located metadata which describes the media file 113 being processed. (Srivastava - Column 3 Lines 5) The user can add attributes to the extracted annotation or change the attribute values. (Srivastava - Column 4 Lines 15-20) The Examiner suggests that the concepts of transforming metadata, generating metadata, formatting metadata, and accepting user input as auxiliary metadata are all indicative of modifying the actual content of the extracted metadata fields.

As the Examiner suggests above, Srivastava has presented several concepts regarding modify the contents of the metadata. With regards to comparing the contents, the Examiner notes that Srivastava disclosed storing the metadata in a database format, such that the data may be accessed or searched using standard query procedures, such as SQL (Structured Query Language) that is common to relational databases. The Examiner suggests that the process of querying often involves indicating a field name and value of the data that is used as an operand in

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searching the database. Hence the process of querying disclosed the concept of comparing the contents of the metadata.

Thus, the Examiner maintains the rejection of Claims 1-3, 5-11, 13-17 (as amended) under 35 USC 102(b) as presented in the prior Office Action.

The Applicant presents the following argument(s) [*in italics*]:

*Chu does not teach determining if a media file is unavailable or corrupt.
Determining that one set of metadata is newer than another is not the same as
detecting that the media itself is unavailable or corrupt*

The Examiner notes that the availability status information regarding a media file is considered metadata as well. In Column 9 Lines 19-25 Chu disclosed a tool that operates on an object to identify the changes to the metadata of that object. Thus, in obtaining the latest metadata regarding a media file, Chu disclosed detecting an unavailable or corrupt file.

Thus, the Examiner maintains the rejection of Claims 4 and 12 under 35 USC 103(a) as presented in the prior Office Action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

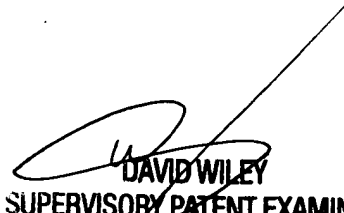
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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